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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 14th September 1948.

ORDINANCE No. XXIV of 1948

AN  
ORDINANCE

*to provide for special measures to ensure the public safety and interest and to prevent any grave menace to the security of India*

WHEREAS an emergency has arisen which renders it necessary to provide for special measures to ensure the public safety and interest and prevent any grave menace to the security of India;

AND WHEREAS the Governor-General has declared by Proclamation under section 102 of the Government of India Act, 1935 (26 Geo. 5, c. 2) that a grave emergency exists whereby the security of India is threatened by internal disturbance;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Public Safety Ordinance, 1948.

(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State as respects the matters dealt with in this Ordinance, and it applies also—

(a) to servants of the Crown in any part of India;

(b) to British subjects who are domiciled in any part of India, wherever they may be;

(c) in respect of the regulation and discipline of any military, naval or air force raised in India, to members of, and persons attached to, employed with, or following, that force, wherever they may be;

(d) to, and to persons on, ships and aircraft registered in India, wherever they may be.

(3) It shall come into force at once.

**2. Definition.**—In this Ordinance, unless there is anything repugnant in the subject or context, “appropriate Government”—

(a) in a Governor's Province, means the Provincial Government in relation to any of the matters enumerated in the Provincial and Concurrent Legislative Lists in the Seventh Schedule to the Government of India Act, 1935, and the Central Government in relation to any other matter;

(b) elsewhere in India, means the Central Government in relation to all matters.

## CHAPTER II.

### Emergency powers.

**3. Power to make rules.**—(1) The appropriate Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for securing the public safety, the maintenance of public order, the maintenance of supplies and services essential to the life of the community, or for preventing any grave menace to the security of India.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the rules may provide for, or may empower any authority to make orders providing for, all or any of the following matters, namely:—

(i) prohibiting anything likely to prejudice the training, discipline or health of His Majesty's Indian forces;

(ii) preventing any attempt to tamper with the loyalty of persons in, or to dissuade (otherwise than with advice given in good faith to the person dissuaded for his benefit or that of any member of his family or any of his dependents) persons from entering, the service of His Majesty;

(iii) ensuring the safety and welfare of His Majesty's Indian forces, ships and aircraft;

(iv) preventing the spreading, without lawful authority or excuse, of false reports, or the prosecution of any purpose likely to cause disaffection or alarm, or to prejudice His Majesty's relations with foreign powers or to prejudice the maintenance of peaceful conditions in any tribal area or to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

*Explanation.*—To point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of His Majesty's subjects does not amount to promoting such feelings within the meaning of this clause;

(v) preventing anything likely to prejudice in any way the successful conduct of any operations in which His Majesty's Indian forces may be engaged;

(vi) requiring the publication of news and information;

(vii) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and the removal of persons from such areas;

(viii) requiring any person or class of persons to comply with any scheme for securing the public safety or interest or preventing any grave menace to the security of India;

(ix) ensuring the safety of—

- (a) ports, dockyards, lighthouses, light-ships and aerodromes,
- (b) railways, tramways, roads, canals and all other means of transport by land or water,
- (c) telegraphs, post offices, signalling apparatus and all other means of communication,
- (d) sources of water-supply, works for the supply of water, gas or electricity, and all other works for purposes of a public character,
- (e) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939 (IV of 1939), and rolling stock of railways and tramways,
- (f) warehouses and all other places used or intended to be used for storage purposes,
- (g) mines and factories,
- (h) all works and structures being part of, or connected with, anything hereinbefore mentioned in this clause, and
- (i) any other place or thing used or intended to be used for the purposes of Government or a local authority, or the protection of which it is considered necessary or expedient for securing the public safety or the maintenance of public order or for maintaining supplies and services essential to the life of the community or for preventing any grave menace to the security of India;

(x) the apprehension and detention in custody of any person whom the authority empowered by the rules to apprehend or detain, as the case may be, suspects, on grounds appearing to such authority to be reasonable, of having acted, acting, being about to act, or being likely to act in a manner prejudicial to the public safety or interest, the maintenance of public order, His Majesty's relations with foreign powers, or the maintenance of peaceful conditions in any tribal area, or with respect to whom such authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner, the prohibition of such person from entering or residing or remaining in any area, and the compelling of such person to reside and remain in any area, or to do or abstain from doing anything;

(xi) the control of persons entering, departing from, or travelling in, India, and of foreigners residing or being in India;

(xii) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals, in ports and territorial, tidal and inland waters;

(xiii) restricting the charter of foreign vessels;

(xiv) regulating the structure and equipment of vessels for the purpose of ensuring the safety thereof and of persons therein;

(xv) regulating work in dockyards and shipyards in respect of the construction and repairs of vessels;

(xvi) prohibiting or regulating the sailings of vessels from ports, traffic at aerodromes and the movement of aircraft, and traffic on railways, tramways and roads, and reserving, and requiring to be adapted, for the use of the appropriate Government, all or any accommodation in vessels, aircraft, railways, tramways or road vehicles for the carriage of persons, animals or goods;

(xvii) impressment of vessels, aircraft, vehicles and animals for transport;

(xviii) prohibiting or regulating the use of postal, telegraph or telephonic services, including the taking possession of such services and the delaying, seizing, intercepting or interrupting of postal articles or telegraphic or telephonic messages;

(xix) regulating the delivery, otherwise than by postal or telegraphic service, of postal articles and telegrams;

(xx) the control of agriculture, trade or industry for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to, articles or things of any description whatsoever which can be used in connection with any operations in which His Majesty's Indian forces may be engaged, or for maintaining supplies and services essential to the life of the community;

(xxi) ensuring the ownership and control of mines by British subjects domiciled in India;

(xxii) controlling the possession, use or disposal of, or dealing in, coin, bullion, bank notes, currency notes, securities or foreign exchange;

(xxiii) the control of any road or pathway; of any waterway, ferry or bridge; or of any river, canal or other source of water-supply;

(xxiv) the requisitioning of any property, movable or immovable, including the taking possession thereof and the issue of any orders in respect thereof;

(xxv) prohibiting or regulating the possession, use or disposal of—

(a) explosives, inflammable substances, arms and ammunitions of war,

(b) vessels,

(c) wireless telegraphic apparatus,

(d) aircraft, and

(e) photographic and signalling apparatus and any means of recording information;

(xxvi) prohibiting or regulating the bringing into, or taking out of, India of goods or articles of any description (including coin, bullion, bank notes, currency notes, securities and foreign exchange), and applying the provisions of the Sea Customs Act, 1878 (VIII of 1878), and in particular section 19 thereof, to such prohibitions and regulations;

(xxvii) prohibiting or regulating the bringing into, or taking out of, India and the possession, use or transmission of ciphers and other secret means of communicating information;

(xxviii) prohibiting or regulating the publication of inventions and designs;

(xxix) preventing the disclosure of official secrets;

(xxx) prohibiting or regulating meetings, assemblies, fairs and processions;

(xxxi) preventing or controlling any use, calculated to prejudice the public safety or the maintenance of public order, of uniforms, flags and insignia and of anything similar thereto;

(xxxii) ensuring the accuracy of any report or declaration legally required of any person;

(xxxiii) preventing the unauthorised change of names;

(xxxiv) preventing anything likely to cause misapprehension in respect of the identity of any official person, official document or official property or in respect of the identity of any person, document or property purporting to be, or resembling, an official person, official document or official property;

(xxv) entry into, and search of, any place reasonably suspected of being used for any purpose prejudicial to the public safety or interest, and for the seizure and disposal of anything found there and reasonably suspected of being used for such purpose.

(3) The rules made under sub-section (1) may further—

(i) provide for the arrest and trial of persons contravening any of the rules or any order issued thereunder;

(ii) provide that any contravention of, or any attempt to contravene, and any abetment of or attempt to abet the contravention of, any of the provisions of the rules, or any order issued under any such provision, shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both;

(iii) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in the preceding clause has been committed and for the adjudication of such forfeiture whether by a Court or by any other authority;

(iv) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules or any order issued thereunder;

(v) provide for preventing obstruction and deception of, and disobedience to, any person acting, and interference with any notice issued, in pursuance of the rules or any order issued thereunder,

(vi) prohibit attempts by any person to screen from punishment any one, other than the husband or wife of such person, contravening any of the rules or any order issued thereunder;

(vii) empower or direct any authority to take such action as may be specified in the rules or as may seem necessary to such authority for the purpose of ensuring the public safety or interest;

(viii) provide for charging fees in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the rules.

(4) The appropriate Government may by order direct that any power or duty which by rule under sub-section (1) is conferred or imposed upon such Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to such Government or by any other authority.

(5) A Provincial Government may, by order, direct that any power or duty which by rule made by the Central Government under sub-section (1) is conferred or imposed on the Provincial Government, or which, being by such rule conferred or imposed on the Central Government, has been directed under sub-section (4) to be exercised or discharged by the Provincial Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority, not being (except in the case of a Chief Commissioner's Province) an officer or authority subordinate to the Central Government.

(6) Any rule made by the Central Government under sub-section (1) may confer powers and impose duties or authorise the conferring of powers and

imposition of duties upon the Government of an Acceding State or officers and authorities thereof to be designated for the purpose by the Government of that State.

**4. Effect of rules, etc., inconsistent with other enactments.**—Any rule made under section 3, and any order made under any such rule, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), or this Ordinance or in any instrument having effect by virtue of any enactment other than the Act aforesaid or this Ordinance.

**5. Special powers to control civilian personnel employed in connection with His Majesty's Indian forces.**—The Central Government may, by notification in the official Gazette, direct by general or special order that any persons who, not being members of His Majesty's Indian forces, are attached to, or employed with, or following, those forces, shall be subject to military, naval or air force law, and thereupon such persons shall be subject to discipline, and liable to punishment for offences, under the Indian Army Act, 1911 (VIII of 1911), the Indian Navy (Discipline) Act, 1934 (XXXIV of 1934), or the Indian Air Force Act, 1932 (XIV of 1932), as the case may require, as if they were included in such class of persons subject to any of those Acts as may be specified in the notification.

**6. Enhanced penalties.**—(1) If any person, with intent to wage war against His Majesty or to assist any persons waging war with His Majesty, contravenes any provision of the rules made under section 3 or any order issued under any such rule, he shall be punishable with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(2) If any person—

(a) contravenes any such provision of, or any such rule or order made under, the Indian Aircraft Act, 1934 (XXII of 1934), as may be notified in this behalf by the Central Government, or

(b) in any area notified in this behalf by a Provincial Government, contravenes any such provision of, or any such rule made under, the Indian Arms Act, 1878 (XI of 1878), the Indian Explosives Act, 1884 (IV of 1884), or the Explosive Substances Act, 1908 (VI of 1908), as may be notified in this behalf by the Provincial Government,

he shall, notwithstanding anything contained in any of the aforesaid Acts or rules made thereunder, be punishable with imprisonment for a term which may extend to five years, or, if his intention is to wage war against His Majesty or to assist any persons waging war with His Majesty, with death, transportation for life, or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine.

(3) For the purposes of this section, any person who attempts to contravene, or abets or attempts to abet or does any act preparatory to a contravention of, a provision of any law, rule or order, shall be deemed to have contravened that provision.

**7. Amendment of certain Acts.**—(a) Section 5 of the Indian Official Secrets Act, 1923 (XIX of 1923), shall have effect as if—

(a) in sub-section (1) thereof, after the words "in such a place" the words "or which relates to, or is used in, a protected area, as defined in the rules made under the Public Safety Ordinance, 1948, or relates to anything in such an area" had been inserted; and

(b) for sub-section (4) thereof, the following sub-section had been substituted, namely:—

“(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or, if such offence is committed with intent to wage war against His Majesty or to assist any persons waging war with His Majesty, with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine.”

(2) Section 12 of the Indian Official Secrets Act, 1923 (XIX of 1923) shall have effect as if after clause (a) the following clause had been inserted, namely:—

“(aa) an offence under section 5 shall be a cognizable and non-bailable offence”.

(3) The Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931) shall have effect as if in sub-section (1) of section 4 thereof, after clause (b) the following word and clause had been inserted, namely:—

“or

(bb) directly or indirectly convey any ‘confidential information’ or any ‘prejudicial report’ as defined in the rules made under the Public Safety Ordinance, 1948, or are calculated to instigate the contravention of any of those rules,”.

(4) The Indian Aircraft Act, 1934 (XXII of 1934) shall have effect as if—

(a) at the end of clause (r) of sub-section (2) of section 5 the following words had been inserted, namely:—

“including the taking of steps necessary to secure compliance with, or to prevent contravention of, the rules regulating such matters, or, where any such rule has been contravened, to rectify, or to enable proceedings to be taken in respect of, such contravention”;

(b) in clause (b) of sub-section (1) of section 8, for the words, brackets, letters and figures “clause (h) or clause (i) of sub-section (2) of section 5”, the words, brackets, letters and figures “clauses (d), (e), (h), (i), (k) or (l) of sub-section (2) of section 5, or the commission of an offence punishable under section 11,” had been substituted;

(c) in section 11, after the words “in the air” the words “or in such a manner as to interfere with any of His Majesty’s Indian forces, ships or aircraft” had been inserted;

(d) in section 13, for the words, brackets, figures and letters “clause (i) or clause (l) of sub-section (2) of section 5” the words, brackets, figures and letters “clauses (c), (d), (e), (h), (i), (j), (k) or (l) of sub-section (2) of section 5, or punishable under section 11” had been substituted; and

(e) section 14 had been omitted.

(5) The Motor Vehicles Act, 1939 (IV of 1939) (in this sub-section referred to as the said Act) shall have effect subject to the following provisions, namely:—

“(a) The Provincial Government may—

(1) by general or special order in writing exempt from all or any of the provisions of Chapter IV of the said Act any transport vehicle used or required for use in connection with any work or purpose de-

clared by the Provincial Government in the order to be a work or purpose connected with the securing of the public safety, the maintenance of public order, the maintenance of supplies and services essential to the life of the community or the prevention of any grave menace to the security of India;

(2) by the same or like order authorise any authority to issue temporary permits and give directions not inconsistent with the other provisions of the said Chapter in respect of any such transport vehicles.

(b) If the Provincial Government by general or special order in writing so directs, the provisions of sub-section (2) of section 38 of the said Act shall have effect in relation to any motor vehicle or class of motor vehicles specified in the order as if the words 'not being in any case less than six months' were omitted."

### CHAPTER III.

#### Supplemental.

**8. Ordinary avocations of life to be interfered with as little as possible.**—Any authority or person acting in pursuance of this Ordinance shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purposes of this Ordinance.

**9. Savings as to orders.**—(1) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Ordinance, a Court shall within the meaning of the Indian Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

**10. Protection of action taken under Ordinance.**—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule made thereunder or any orders issued under any such rule.

(2) Save as otherwise expressly provided by or under this Ordinance, no suit or other legal proceeding shall lie against the Central or a Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder or any orders issued under any such rule.

**11. Powers and functions and legal protection of military and police forces of Acceding States when employed on military or police duties in the Provinces of India.**—When any members of the military or police forces of an Acceding State are, with the authority of the Central or a Provincial Government, employed in any Province of India on military or police duties, then—

(a) sections 128, 130 and 131 of the Code of Criminal Procedure, 1898 (V of 1898) shall apply to officers, non-commissioned officers and men of the military force of such Acceding State when so employed, as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Indian land forces;

(b) any provision of law for the time being in force which invests a police officer in any Province of India with any status, power or function shall operate to invest a police officer of equivalent rank in the police force of such Acceding State with the like status, power and function; and for the purposes of the Code of Criminal Procedure, 1898 (V of 1898), an officer in any such force not below the rank equivalent to that of a sub-inspector



of police in a Province of India shall be deemed to be an officer-in-charge of a police station;

(c) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's Indian military forces or of the police forces in the Provinces of India from or in respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of the military force or the police force of an Acceding State when so employed.

**12. Compensation to be paid in accordance with certain principles for compulsory acquisition of immovable property, etc.—**(1) Where under section 13 or under any rule made under this Ordinance, any action is taken of the nature described in sub-section (2) of section 299 of the Government of India Act, 1935, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say,—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the appropriate Government shall appoint as arbitrator a person qualified under sub-section (3) of section 220 of the Government of India Act, 1935, for appointment as a Judge of a High Court;

(c) the appropriate Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property acquired, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

(d) at the commencement of the proceedings before the arbitrator, the appropriate Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(e) the arbitrator in making his award shall have regard to—

(i) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (1 of 1894), so far as the same can be made applicable; and

(ii) whether the acquisition is of a permanent or temporary character;

(f) an appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf by rule made by the appropriate Government;

(g) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(2) The appropriate Government may make rules for the purpose of carrying into effect the provisions of this section.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed in arbitrations under this section;

(b) the principles to be followed in apportioning the cost of proceedings before the arbitrator and on appeal;

(c) the maximum amount of an award against which no appeal shall lie

**13. Power to acquire requisitioned property.—**(1) Without prejudice to any power to acquire property conferred by any rule made under this Ordinance

any immovable property which has been requisitioned under any rule so made may, in the manner provided by any such rules for the acquisition of property, be acquired in the circumstances and by the Government hereinafter specified, namely,—

(a) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, by that Government if it decides that the value of, or the right to use, such works shall by means of the acquisition of the property be preserved or secured for the purposes of any Government, or

(b) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government be excessive having regard to the value of the property at that time, by that Government;—

and at the beginning of the day on which notice of such acquisition is served or published under the aforesaid rules, the immovable property shall vest in the acquiring Government free from any mortgage, pledge, lien or similar encumbrance, and the period of the requisition thereof shall end.

(2) Any decision or determination of a Government under sub-section (1) shall be final, and shall not be called in question in any Court.

(3) For the purposes of this section "works" includes buildings, structures and improvements of the property, of every description.

**14. Release from requisition.**—(1) Where any property requisitioned under any rule made under this Ordinance is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorized by it in this behalf may, after such enquiry, if any, as it or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given.

C. RAJAGOPALACHARI,  
*Governor-General.*

K. Y. BHANDARKAR,  
*Secy. to the Govt. of India.*